

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** MEETING NOTICE AND AGENDA**

(Continued Regular Item No. 18; Reworded Mayor & Council Item 21)

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, March 7, 2017

Unless an exception is made, or unless otherwise noted:

Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment).

The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (March 21, 2017).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 P.M.

Roll Call – All present

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Councilman Smith

Invocation – Pastor Josh Newton, First Southern Baptist Church of Scottsdale

Mayor's Report – Mayor Lane read proclamations in honor of Junior Citizen Science Day and Fast Pitch Day.

Presentations/Information Updates – Partner Andrea Aker made a presentation on behalf of Social Venture Partners Arizona Fast Pitch.

- **Social Venture Partners Arizona Fast Pitch**
Presenter(s): Andrea Aker, Partner

Public Comment – Roberto Duron presented a citizen petition on behalf of Coronado Park Estates and the El Cuadro neighborhood, asking the City to require Odanoroc, LLC, to abandon the use of telephone poles to enclose the driving range portion of the golf course; and, if the poles are not removed, require the removal of the top 15 feet from each pole and painting the poles white. Richard



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

Porter spoke in support of the citizen petition presented by Mr. Duron. Mark Stuart provided an update on the Save Our Preserve efforts.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

ADDED ITEMS

Added Items: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

A1. Added Items

The supporting materials for Item No. 18 were added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the March 21, 2017 Council meeting.

MINUTES

Request: Approve the [Regular Meeting Minutes of February 7, 2017](#).

– Councilmember Korte made a motion to approve the Regular Meeting Minutes of February 7, 2017. Vice Mayor Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-17

How the Consent Agenda Works: The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 17. Councilwoman Littlefield seconded the motion, which carried 7/0.

1. [Monarch Wellness Centers Conditional Use Permit \(8-UP-2012#2\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10721** approving the renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585± square-foot facility with Commercial Office District, Planned Community District (C-O PCD) zoning. **Location:** 8729 E. Manzanita Drive; **Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Fry's Fuel Center No. 621 Conditional Use Permit \(9-UP-2016\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10722** approving an amendment to an existing Conditional Use Permit to allow for the expansion of an existing gas station to add four dispensers on a 9.5±-acre site with Planned Community (PC) zoning and comparable Highway Commercial (C-3) zoning district land uses and property development standards.
Location: 9350 N. 90th Street; **Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

3. **6922 Mixed Use Rezoning (23-ZN-2016) – Approved on Consent.**
Request: Adopt **Ordinance No. 4295** approving a zoning district map amendment from Central Business, Downtown Overlay (C-2 DO) to Downtown/Downtown Multiple Use – Type 2 Downtown Overlay (D/DMU-2 DO) zoning with amended development standards on a 2,063± square-foot site.
Location: 6922 E. 5th Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
4. **Blue Moose Outdoor Dining License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10706** authorizing Agreement No. 2017-026-COS with 16th & University, LLC, for an outdoor dining patio on City property.
Location: 7373 E. Scottsdale Mall
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
5. **Booster Pump Stations 56 and 116 Construction Bid Award – Approved on Consent.**
Request: Adopt **Resolution No. 10702** authorizing Construction Bid Award No. 17PB018 to Mortenson Construction, the lowest responsive bidder, at the unit price bid of \$1,543,591 for construction improvements to Booster Pump Stations 56 and 116.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
6. **Fire Station 603 Architectural Services Contract – Approved on Consent.**
Request: Adopt **Resolution No 10692** to authorize:
 1. Contract No. 2017-019-COS with Fucello Architects, LLC, in the amount of \$352,641 to provide design services for Fire Station 603.
 2. The initiation of a Municipal Use Master Site Plan for Fire Station 603.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
7. **Miller Road/Loop 101 Freeway Underpass Construction Alternatives Analysis Engineering Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10708** authorizing Contract No. 2017-029-COS with Kimley-Horn and Associates, Inc., in the amount of \$431,247.92 for engineering services for the Miller Road/Loop 101 Freeway (State Route 101) Underpass Construction Alternatives Analysis.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
8. **Capital Improvement Projects On-Call Water Resources Engineering Service Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 10710** authorizing the following on-call engineering services contracts in an amount not to exceed \$2,000,000 each for the design of various water resources projects for two-year terms with the option to extend for three additional one-year periods:
 1. Contract No. 2017-030-COS with CDM Smith, Inc.
 2. Contract No. 2017-031-COS with Wilson Engineers, LLC**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
9. **Capital Improvement Projects On-Call Roundabout Specialist Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 10712** authorizing the following on-call roundabout specialist engineering services contracts in an amount not to exceed \$500,000 each for an initial two-year term for design review, planning, analysis, and professional consultation pertaining to proposed roundabouts on an “as needed” basis at various project locations throughout the City:
 1. Contract No. 2017-032-COS with SE Ritchie Corp. d/b/a Roundabouts & Traffic Engineering
 2. Contract No. 2017-035-COS with MTJ Engineering, LLC**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

10. **[Scottsdale Housing Annual Agency Plan](#) – Approved on Consent.
Request: Adopt **Resolution No. 10684** to:
 1. Approve the FY 2017/18 Annual Agency Plan for the operation of, and to serve as the funding application for, the Housing Choice Voucher (HCV) Program, and authorize its submission to the U.S. Department of Housing and Urban Development (HUD).
 2. Authorize the revised Administrative Plan and its submission to HUD.
 3. Authorize the acceptance of HCV vouchers.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov**

11. **[NCHA Scottsdale Nationals Event](#) – Approved on Consent.
Request: Adopt **Resolution No. 10716** to authorize:
 1. Funding not to exceed \$60,000 in total, up to \$30,000 per event, from the Tourism Development Fund for the 2017 and 2018 NCHA Scottsdale Nationals event.
 2. New Event Funding Agreement No. 2017-037-COS with National Cutting Horse Association.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov**

12. **[Traffic Control Motorcycles Grant](#) – Approved on Consent.
Request: Adopt **Resolution No. 10725** to authorize:
 1. Highway Safety Contract No. 2017-039-COS with the Governor's Office and Highway Safety to accept a grant in the amount of \$54,000 to replace two motorcycles.
 2. A budget transfer in the amount of \$54,000 from the adopted FY 2016/17 Future Grants Budget and/or Grant Contingency Budget and the creation of a new operating cost center to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov**

13. **[CAP1 Pumping Station Land Use License Agreement](#) – Approved on Consent.
Request: Adopt **Resolution No. 10730** to authorize the Water Resources Director to complete and submit an application to the Central Arizona Water Conservation District (CAWCD) to obtain a license for the City's CAP1 pumping station and pay an application fee in the amount of \$2,500; execute on behalf of the City a Land Use License Agreement with CAWCD for the City's CAP1 pumping station; request a waiver of the annual fee from CAWCD or in the event the waiver is not granted, negotiate an annual fee for the license; and execute such documents to construct and maintain the CAP1 pumping station.
Location: CAP1 pumping station located at 16800 N. Greenway Hayden Loop
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov**

14. **[Marcellus v. City of Scottsdale et al. Legal Fees](#) – Approved on Consent.
Request: Adopt **Resolution No. 10733** authorizing legal fees to be incurred in Contract No. 2015-031-COS with the Law Offices of Robert S. Murphy, LLC, in an amount not to exceed a total of \$250,000 for the defense of *Marcellus v. City of Scottsdale et al.*, Cause No. CV2015-091140, currently pending in Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov**

15. **[Erica Rahn v. City of Scottsdale Legal Fees](#) – Approved on Consent.
Request: Adopt **Resolution No. 10735** authorizing the Risk Management Department to continue to pay the Law Firm of Holloway Odegard & Kelly, P.C., in an amount not to exceed a total maximum of \$135,000, pursuant to Contract No. 2015-027-COS (previously Contract No. 2011-013-COS with the Law Firm of Holloway Odegard Forrest & Kelly) for the legal defense of *Erica Rahn v. City of Scottsdale*, currently pending in the Supreme Court of Appeals of Arizona, Case No. CV-17-0046-PR.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov**

16. **Legal Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 10740** authorizing Contract No. 2017-047-COS with the law firm of Dickinson Wright PLLC in an amount not to exceed \$35,000 for legal services for the City's defense of *Shearer v. City of Scottsdale* currently pending in the United States District Court for the District of Arizona, Case No. 2:16-CV-04337-SPL.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

17. **Legal Services Contract Amendment – Approved on Consent.**

Request: Adopt **Resolution No. 10741** authorizing Contract No. 2016-090-COS-A1 with Gust Rosenfeld, PLC, in an amount not to exceed \$35,000 to provide legal representation to the City in the acquisition of property for the construction of a fire station.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA ITEMS 18-19

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time ***may*** be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

***18. **Palmeria Rezoning (7-ZN-2016)**

Request: At the request of staff and the applicant, continue to March 21, 2017.

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

– Councilman Phillips made a motion to continue Item 18 to March 21, 2017. Vice Mayor Klapp seconded the motion, which carried 7/0.

19. **WestWorld Tent Agreement**

Request: Presentation, discussion, and possible direction to staff regarding the possible continued use of the WestWorld Tent.

Presenter(s): Dan Worth, Public Works Director

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov; Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

– Public Works Director Dan Worth presentation.

– Vice Mayor Klapp made a motion to: (1) accept the WestWorld Subcommittee recommendation that the tent remain in use for one year; and (2) direct the City Manager to formulate a masterplan for WestWorld, including negotiating a long-term agreement with Barrett-Jackson. Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilman Smith dissenting.

Public Comment – Jerry Lenhart commented on the Save Our Preserve efforts.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

CITIZEN PETITIONS

ITEM 20

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

20. **Receipt of Citizen Petitions – Councilman Phillips made a motion to direct the City Manager to investigate the citizen petition presented by Roberto Duron, which asked the City to require Odanoroc, LLC, to abandon the use of telephone poles to enclose the driving range portion of the golf course; and, if the poles are not removed, require the removal of the top 15 feet from each pole and painting the poles white. Vice Mayor Klapp seconded the motion, which carried 7/0.**

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 21

- ***21. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for March 21, 2017)**

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Development Review Board (*one vacancy*) – **Councilwoman Littlefield nominated Shakir Gushgari, Councilwoman Milhaven nominated Lisa Collins, Vice Mayor Klapp nominated Troy Hill, Mayor Lane nominated Doug Craig, and Councilmember Korte nominated Bret Krosschell.**

Human Relations Commission (*two vacancies*) – **Councilwoman Milhaven nominated Maureen Aldes, Vice Mayor Klapp nominated Janice Shimokubo, Mayor Lane nominated Anne Fowler, and Councilwoman Littlefield nominated Stuart Rhoden.**

Library Board (*one vacancy*) – **Vice Mayor Klapp nominated Shiela Reyman.**

Loss Trust Fund Board (*one vacancy*) – **No nominations.**

Neighborhood Advisory Commission (*one vacancy*) – **No nominations.**

Transportation Commission (*one vacancy*) – **Mayor Lane nominated Barry Graham and Councilman Phillips nominated Scott Angell.**

Note: The only Council action to be taken on Item No. 21 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Mayor and Council Items – None

Adjournment – 6:45 P.M.